

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TIMOTHY SCOTT BAILEY SMITH,

Petitioner,

v.

STATE OF WISCONSIN,

Respondent.

ORDER

05-cv-653-bbc

Timothy Smith has filed documents titled "Motion to Renew an Application for a Preliminary Injunction/Temporary Restraining Order," a "Motion for Stay of State Proceedings" and a "Motion for Findings of Fact" under Fed. R. Civ. P. 52(a)(5). These documents relate to this court's dismissal of a petition for a writ of habeas corpus that he filed in November 2005. Petitioner filed a similar set of documents in September 2006. In an opinion and order entered September 20, 2006, this court rejected petitioner's attempt to resurrect his petition, finding that it was either untimely or was an unauthorized successive attack on his conviction. Dkt. #18.

Petitioner's latest motions are denied for the same reasons set out in this court's opinion and order entered September 20, 2006. It is far too late for him to seek reconsideration of this court's final judgment dismissing his petition and he cannot bring a

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by CAK
C. A. Korth, Secretary to
Magistrate Judge Crocker

successive attack on his conviction without first obtaining authorization from the Court of Appeals for the Seventh Circuit.

Petitioner is advised that if he files similar frivolous motions in the future, this court will simply place them in the file without taking action on them.

ORDER

IT IS ORDERED that the motions filed by petitioner on October 27, 2009 (dkt. #s 19-23) are DENIED.

Entered this 17th day of November, 2009.

BY THE COURT:

Barbara B. Crabb
BARBARA B. CRABB
District Judge